

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

CAUSE NO.: **C-1488-17-C**

MARIA PILAR ALVAREZ	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
	§	
VS.	§	
	§	_____JUDICIAL DISTRICT
ASHRAF KAHN AND NET FREIGHT	§	
SYSTEMS, INC.	§	
Defendants	§	
	§	HIDALGO COUNTY, TEXAS

---

PLAINTIFF'S ORIGINAL PETITION-INTERROGATORIES  
AND FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT

---

TO THE HONORABLE JUDGE OF SAID COURT:

*Comes Now* Plaintiff MARIA PILAR ALVAREZ hereinafter referred to as Plaintiff, complaining of and about Defendants ASHRAF KAHN AND NET FREIGHT SYSTEMS, INC. hereinafter referred to as Defendants, and for causes of action files this Plaintiffs' Original Petition and First Set of Discovery Requests to Defendant. In support thereof, Plaintiffs respectfully shows unto the Court the following:

A. Discovery Control Plan

1.1 Plaintiffs intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.1.

B. Parties and Service

2.1 Plaintiff is n individuals who resides in Hidalgo County.

2.2 Defendant Ashraf Kahn is an individual who resides at 8172247 Hurontario Street, Mississauga, Ontario,

2.3 Defendant Net Freight Systems, Inc. is a foreign corporation organized and existing under the laws of Canada whose corporate address is 7659 Bath Road, Mississauga, Ontario L4T 1L2, Canada. Citation is requested at this time and service on the Defendant may be



**C-1488-17-C**

made on The Chair of the Texas Transportation Commission, Tyron D. Lewis, as the Agent of Service as outlined in the Texas Civil and Remedies Code, Sections 17.061-2.

**C. Jurisdiction and Venue**

3.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

3.2 This Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits.

3.3 Venue is proper in Hidalgo County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Plaintiffs' cause of action occurred in Hidalgo County, Texas.

**D. Facts**

4.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

4.2 On or about May 8, 2015, Plaintiff Maria Pilar Alvarez suffered personal injuries and other damages when the vehicle in which she was traveling was struck by a white 2006 Freightliner Tractor and a white CIMC Trailer operated by the Defendant Ashraf Kahn and owned by Defendant Net Freight System, Inc. Plaintiff was traveling southbound in the inside lane of the 3600 Block of Interstate 69C, in Pharr, Hidalgo County, Texas. The Defendant Ashraf Kahn was traveling southbound in the center lane of the 3600 Block of Interstate 69C, in Pharr, Hidalgo County, Texas. The defendant failed to control his speed, lost control of the truck, swerved into the inside lane of travel striking the plaintiff's vehicle and pinning it against the Defendants truck and concrete barrier dragging the plaintiff vehicle until it struck a sign structure. As a result the Plaintiff sustained severe and significant injuries.

**E. Causes of Action**

5.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

**C-1488-17-C**

Count One - Negligence

5.2 At the time of the collision, Defendant Ashraf Kahn was operating his vehicle negligently. Defendant had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant breached that duty in one or more of the following ways:

- a. Failing to control his speed; and/or
- b. Failing to maintain a proper lookout; and/or
- c. Failing to properly apply his brakes; and/or
- d. Failing to yield the right of way; and/or
- e. Failure to turn to the vehicle to avoid the collision; and/or
- f. Failure to maintain a single lane; and/or
- g. Driver inattention.

Defendant Ashraf Kahn's negligence proximately caused Plaintiffs' injuries and other damages.

Count Two- Negligence Per Se

5.3 Defendant Ashraf Kahn's conduct described herein constitutes an unexcused breach of duty imposed by Section 542.060 of the Texas Transportation Code, Driving on Roadway Laned for Traffic, provides that ... "an operator on a roadway divided into two or more clearly marked lanes of traffic shall drive as nearly as practical entirely within a single lane; and may not move from the lane unless that movement can be made safely. Defendant Ashraf Kahn's unexcused breach of duty imposed by the statute proximately caused Plaintiffs' injuries and other damages.

Count Three- Respondeat Superior- Defendant Net Freight Systems, Inc.

5.4 At the time of the collision Defendant Ashraf Kahn was acting within the course and scope of his employment, agency or contract with Defendant Net Freight Systems, Inc. and in furtherance of Defendant Net Freight Systems, Inc. business. In addition, Defendant Ashraf Kahn was driving under the LDL motor carriers operating authority of Defendant Net Freight Systems.

**C-1488-17-C**

Inc. Therefore, Defendant Net Freight Systems, Inc. is vicariously liable for Defendant Ashraf Kahn's negligent acts.

**F. Damages**

6.1 Plaintiff seeks unliquidated damages in an aggregate amount that is within the jurisdictional limits of the Court. Plaintiff seeks monetary relief over \$1,000,000 as outlined in TRCP 47(5).

**G. Conditions Precedent**

7.1 All conditions precedent have been performed or have otherwise occurred.

**H. Request for Disclosure**

8.1 Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose the information or material described in Rule 194.2(a) through (l) within fifty (50) days of the service of this Plaintiff's Original Petition and First Set of Discovery Requests to Defendant.

**I. Discovery Requests**

9.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiffs request that Defendant serve responses to the attached Plaintiffs' First Set of Interrogatories and Requests for Production, attached hereto, within fifty (50) days of the service of this Plaintiffs' Original Petition and First Set of Discovery Requests to Defendant.

**J. Notice of Intent to Rely on Documents Produced**

10.1 Defendants are hereby placed on actual notice of Plaintiffs' intent to rely upon and to utilize any and all documents produced or incorporated by reference by Defendant in response to written discovery pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

**K. Prayer**

11.1 *Wherefore, premises considered*, Plaintiff respectfully pray that Defendants be cited to appear and answer this suit, and that Plaintiff ultimately have judgment against Defendants for the following:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Lost wages;
- f. Costs of suit;
- g. Pre-judgment and post-judgment interest; and
- h. All other relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

THE ALMARAZ LAW FIRM  
1300 N. 10<sup>th</sup> Street,  
McAllen, TX 78501  
Telephone: (956) 800-1046  
Facsimile: (956) 800-1049

Rosendo Almaraz, Jr.  
State Bar No. 24010645

*ATTORNEYS FOR PLAINTIFF*

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT ASHRAF KAHN**

***FIRST SET OF INTERROGATORIES TO DEFENDANT***

**INTERROGATORY NO. 1:**

Please state your full legal name, nicknames you have ever been known by, current residence address, telephone number, date and place of birth, driver's license number, and social security number. If married, please state the name and address of your spouse. Also state the names and addresses of all former spouses, and the names, current addresses and dates of birth of all natural and/or adopted children. Please also state the identity of all persons assisting in answering these interrogatories, and each of their respective occupations.

**ANSWER:**

**INTERROGATORY NO. 2:**

State the full name, telephone number, address, and your immediate supervisor(s) for your employers for the last ten (10) years. Please indicate if you have held or currently do hold any ownership interest in any business entity you have listed.

**ANSWER:**

**INTERROGATORY NO. 3:**

State whether you were acting within the course and scope of any employment, service, or agency at the time of the collision. If so, please state for whom were you acting and describe the relationship of the persons and/or entities involved.

**ANSWER:**

**INTERROGATORY NO. 4:**

State the style, court and cause number of any lawsuit to which you have been a party, and the final disposition of said suit.

**ANSWER:**

**INTERROGATORY NO. 5:**

Please list all traffic citations you have received since the subject collision and in the ten (10) years preceding the subject collision. For each citation, please state the specific violation and the ultimate disposition, including but not limited to your plea of guilty or *nolo contendere*. Additionally, please indicate if you have had your driver's license revoked or suspended due to any of these violations and the period of time your license was revoked or suspended.

**ANSWER:**

**INTERROGATORY NO. 6:**

Other than the subject collision, please state whether you have been involved in any other motor vehicle accidents during the past ten (10) years. For each accident listed, please state the date and location of such accident, the parties involved, a factual description of the accident, and whether or not anyone was cited for a traffic violation as a result of the accident.

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

ANSWER:

**INTERROGATORY NO. 7:**

Describe any criminal record you may have during the ten (10) years preceding the subject collision, including the nature of the charge, date and place of arrest, court and cause number, and conviction and/or ultimate disposition.

ANSWER:

**INTERROGATORY NO. 8:**

State in detail what intoxicating beverages, drugs, and/or prescription or non-prescription medications you had consumed during the twenty four (24) hour period preceding the subject collision.

ANSWER:

**INTERROGATORY NO. 9:**

Do you contend that the Plaintiff driver violated any traffic law at the time of or immediately prior to the subject collision? If so, please describe either by statute number or generally what you contend to be such traffic violations.

ANSWER:

**INTERROGATORY NO. 10:**

Describe any defect that you believe or have reason to believe was present in the road or in the marking on the road that either caused or contributed to the collision in question.

ANSWER:

**INTERROGATORY NO. 11:**

Were there any obstructions to visibility for any of the operators of the vehicles involved in this collision at the time of or immediately before the subject collision that you contend caused or contributed to cause the subject collision?

ANSWER:

**INTERROGATORY NO. 12:**

Please state the nature and extent of your vision problems, if any, and whether or not you ever wear eyeglasses or other corrective lenses. Include in your answer whether or not you are required to wear corrective lenses to drive, and whether or not you were wearing eye glasses or other corrective lenses at the time of the subject collision. Please also state the name and address of your eye doctor and the date of your last visit.

ANSWER:

**INTERROGATORY NO. 13:**

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

Do you contend that the personal injuries and damages claimed by Plaintiff(s) were caused by an occurrence other than the subject collision, such as a disease, injury, or physical condition, either before or after the subject collision. If so, describe in detail such other occurrence, disease, injury or condition.

ANSWER:

**INTERROGATORY NO. 14:**

Please state where you had been just prior to the collision and where you were going at the time of the collision. Please indicate in your answer what time you were supposed to be at the location you were heading at the time of the subject collision.

ANSWER:

**INTERROGATORY NO. 15:**

Do you have information indicating, or any reason to believe that there was any defect or failure on the part of the vehicle you were driving which caused or contributed to cause the subject collision? If so, state the basis for such belief.

ANSWER:

**INTERROGATORY NO. 16:**

Please indicate whether or not you were using a cellular phone or other wireless communications device when the subject collision occurred.

ANSWER:

**INTERROGATORY NO. 17:**

Describe in your own words how the collision occurred and state specifically and in detail what your claim or contention will be regarding any cause or contributing cause of the collision, including a statement in detail of the facts or information upon which this contention is based.

ANSWER:

**INTERROGATORY NO. 18:**

Please indicate the speed or estimated speed that the vehicles were traveling at the time of incident, what was the posted speed limit on the road, including your speed at the time of the impact, and what speed you were traveling prior to applying your brakes.

ANSWER:

**INTERROGATORY NO. 19:**

Please state whether or not an insurer has denied coverage, or indicated that it is reserving its right to deny coverage, refuses to provide a defense, or refuses to pay all or part of any judgment, and, if so, please identify every document containing or referring to any such denial, refusal, or reservation of rights.

ANSWER:



Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

**INTERROGATORY NO. 20:**

Describe in detail any conversations you have had with the Plaintiff(s) or any other person (including, but not limited to witnesses and/or peace officers) following the subject collision.

**ANSWER:**

**INTERROGATORY NO. 21:**

Describe in detail what damage was done to your vehicle in the collision, and give the cost of repairs to fix your vehicle.

**ANSWER:**

**INTERROGATORY NO. 22:**

Do you contend that any of the personal injuries and damages claimed by Plaintiff(s) were not caused by the subject collision? If so describe in detail your reason for making such a contention.

**ANSWER:**

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

***FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANTASHRAF KAHN***

1. All photographs taken in connection with Plaintiffs' cause of action in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

3. All photographs taken of the Plaintiffs which may be in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of the Plaintiffs which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products or the events and happenings made the basis of defendant's lawsuit taken before, during or after the accident in question which are in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney, or anyone acting on Defendants' behalf.

RESPONSE:

6. All written statements made by the Plaintiffs or Defendant in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney or anyone acting on Defendant's behalf.

RESPONSE:

7. All oral statements made by the Plaintiffs or Defendant which was either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

**RESPONSE:**

8. All written statements made by any witnesses to the subject collision that are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

**RESPONSE:**

9. All oral, taped or recorded statements made by any witnesses to the subject collision which are in the possession, constructive possession, custody or control of the defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

10. A copy of the policy or policies of liability insurance providing coverage to the Defendant on the date of the subject collision.

**RESPONSE:**

11. A copy of all documents filed with any state, city, federal or governmental agency, institution or department containing information about the Plaintiff(s) which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

12. A copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about the Plaintiff(s) and/or concerning the medical or physical condition of the Plaintiff(s) which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

13. All written reports of inspection, tests, writings, drawings, graphs, charts, recordings or opinions of any expert who has been used for consultation and whose work products forms a basis either in whole or in part of the opinions of and expert who is to be called as a witness. (If the discoverable factual materials has not reduced to a tangible form, request is hereby made that the Defendant advise the Plaintiffs accordingly and reduce such material to a tangible form).

**RESPONSE:**

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

14. A curriculum vitae or resume for any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

RESPONSE:

15. Any and all copies of investigation documentation, report, and/or memoranda made by or submitted to Defendant, Defendant's attorney, or anyone acting on behalf of Defendant as a result of the subject collision.

RESPONSE:

16. Any and all non-privileged written communications, including but not limited to letters and/or memorandums, between agents and/or representatives of the Defendant that have been prepared as a result of the subject collision.

RESPONSE:

17. Copies of estimates, invoices, and/or any other written documentation which was prepared as a result of the damage to any vehicles involved in the subject collision.

RESPONSE:

18. Copies of any and all relevant documents, reports, and/or memoranda in the possession of Defendant, Defendant's attorney, or anyone acting on Defendant's behalf which have resulted from or have been prepared as a result of the subject collision. If you maintain that some or all responsive documents may be privileged please provide a privilege log or an explanation for the basis of the claim of privilege.

RESPONSE:

19. Copies of any and all books, documents, or other tangible things which may be used at the time of trial which may have a bearing of Plaintiff's cause of action or Defendant's defense.

RESPONSE:

20. Copies of any and all tangible things whose production has not been requested previously in this or other request which Defendant does not intend to introduce into evidence at trial but may be used as demonstrative evidence at trial.

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

21. Please produce a true and correct copy of your social security card.

RESPONSE:

22. Please produce of true and correct copy of your driver's license.

RESPONSE:

23. Please produce any and all photocopies of before and after pictures of your vehicle which was involved in the collision.

RESPONSE:

24. Please produce all documents that relate to, pertain to, lead up to, or otherwise concern lawsuits or claims filed by you or against you whether such lawsuit were litigated or settled. There shall be no limitation placed as to date of such lawsuits or claims.

RESPONSE:

25. Please produce true and correct copy of the title to your vehicle that was involved in the collision

RESPONSE:

26. Produce your cellular phone records which cover the month that the collision the subject of this lawsuit occurred and execute the attached "Authorization for Wireless Communication Device Records."

RESPONSE:

27. Please produce any and all records obtained or received by Defendant, Defendant's counsel, Defendant's insurer, or anyone acting on Defendant's, defense counsel's or Defendant's insurer's behalf pursuant to subpoena or by deposition on written questions. Such records should include, but not be limited to, medical records, employment records, workers' compensation records, and/or social security records. Please remember that you have a duty to supplement as such records are obtained pursuant to the Texas Rules of Civil Procedure.

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

28. Please produce the police and/or incident report prepared as a result of the subject collision.

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT NET FREIGHT  
SYSTEMS, INC.**

**INTERROGATORY NO. 1:**

Please state the full legal name of the company, current address, telephone number, address and main contact of corporate. Please also state the identity of all persons assisting in answering these interrogatories, and each of their respective occupations.

**ANSWER:**

**INTERROGATORY NO. 2:**

State the full name, telephone number, address, of Mr. Ashraf Kahn's immediate supervisor(s) for the last ten (5) years.

**ANSWER:**

**INTERROGATORY NO. 3:**

State whether Mr. Ashraf Kahn was acting within the course and scope of any employment, service, or agency for Net Freight Systems, Inc. at the time of the collision. If so, please precisely in what capacity/position.

**ANSWER:**

**INTERROGATORY NO. 4:**

State the style, court and cause number of any lawsuit to which you have been a party, and the final disposition of said suit.

**ANSWER:**

**INTERROGATORY NO. 5:**

Please list all traffic citations your drivers have received since the subject collision and in the ten (10) years preceding the subject collision. For each citation, please state the specific violation and the ultimate disposition, including but not limited to your employees plea of guilty or *nolo contendere*. Additionally, please indicate if any of your drivers have had their driver's license revoked or suspended due to any of these violations and the period of time the license was revoked or suspended.

**ANSWER:**

**INTERROGATORY NO. 6:**

Other than the subject collision, please state whether Mr. Ashraf Kahn's has been involved in any other motor vehicle accidents during the time of his employ with Net Freight Systems, Inc. For each accident listed, please state the date and location of such accident, the parties involved, a factual description of the accident, and whether or not anyone was cited for a traffic violation as a result of the accident.

**ANSWER:**

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

**INTERROGATORY NO. 7:**

Describe any criminal record your drivers may have during the ten (10) years preceding the subject collision, including the nature of the charge, date and place of arrest, court and cause number, and conviction and/or ultimate disposition.

**ANSWER:**

**INTERROGATORY NO. 8:**

State in detail what intoxicating beverages, drugs, and/or prescription or non-prescription medications that Net Freight Systems, Inc. is aware that Ashraf Kahn consumed during the twenty four (24) hour period preceding the subject collision.

**ANSWER:**

**INTERROGATORY NO. 9:**

Describe the vetting process done by your company during the pre-hiring and interview phase of your drivers. Please provide the steps taken in the specific case of driver Ashraf Kahn.

**ANSWER:**

**INTERROGATORY NO. 10:**

Please list any disciplinary action taken against Ashraf Kahn as a result of this accident.

**ANSWER:**

**INTERROGATORY NO. 11:**

Please outline all communications made with Ashraf Kahn by Net Freight Systems, Inc. supervisors and/or managers leading up to the subject incident. Please detail the conversations, mode of communication and content.

**ANSWER:**

**INTERROGATORY NO. 12:**

Please state the company name and address of your auto/truckers liability carrier(s), the policy numbers that were in effect at the time of the incident along with the associated liability limits. Please list all umbrella and/or excess policies that would apply including the insurance company names and addresses as well as the liability limits and any self-insured retention amounts. Please provide the company name, adjuster assigned for each of said policies. If a Third Party Administrator has been contracted please supply the company name, address, phone number and adjuster assigned.

**ANSWER:**

**INTERROGATORY NO. 13:**



Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

Describe in detail any conversations you have had with Ashraf Kahn after the incident. Describe in detail any conversations Net Freight Systems, Inc. had with the Plaintiff or any other person (including, but not limited to witnesses and/or peace officers) following the subject collision.

ANSWER:

**INTERROGATORY NO. 14:**

Describe in detail what damage was done to your vehicle in the collision, and give the cost of repairs to fix your vehicle.

ANSWER:

**INTERROGATORY NO. 15:**

Do you contend that any of the personal injuries and damages claimed by Plaintiff(s) were not caused by the subject collision? If so describe in detail your reason for making such a contention.

ANSWER:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

*FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT NET FREIGHT SYSTEMS,  
INC.*

1. All photographs taken in connection with Plaintiffs' cause of action in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

3. All photographs taken of the Plaintiff which may be in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products or the events and happenings made the basis of defendant's lawsuit taken before, during or after the accident in question which are in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney, or anyone acting on Defendants' behalf.

RESPONSE:

6. All written statements made by the Plaintiffs or Defendant in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney or anyone acting on Defendant's behalf.

RESPONSE:

7. All oral statements made by the Plaintiffs or Defendant which was either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

RESPONSE:

8. All written statements made by any witnesses to the subject collision that are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

9. All oral, taped or recorded statements made by any witnesses to the subject collision which are in the possession, constructive possession, custody or control of the defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

10. A copy of the policy or policies of liability insurance providing coverage to the Defendant on the date of the subject collision.

RESPONSE:

11. A copy of all documents filed with any state, city, federal or governmental agency, institution or department containing information about the Plaintiff(s) which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

12. A copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about the Plaintiff(s) and/or concerning the medical or physical condition of the Plaintiff(s) which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

13. All written reports of inspection, tests, writings, drawings, graphs, charts, recordings or opinions of any expert who has been used for consultation and whose work products forms a basis either in whole or in part of the opinions of and expert who is to be called as a witness. (If the discoverable factual materials has not reduced to a tangible form, request is hereby made that the Defendant advise the Plaintiffs accordingly and reduce such material to a tangible form).

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

14. A curriculum vitae or resume for any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

RESPONSE:

15. Any and all copies of investigation documentation, report, and/or memoranda made by or submitted to Defendant, Defendant's attorney, or anyone acting on behalf of Defendant as a result of the subject collision.

RESPONSE:

16. Any and all non-privileged written communications, including but not limited to letters and/or memorandums, between agents and/or representatives of the Defendant that have been prepared as a result of the subject collision.

RESPONSE:

17. Copies of estimates, invoices, and/or any other written documentation which was prepared as a result of the damage to any vehicles involved in the subject collision.

RESPONSE:

18. Copies of any and all relevant documents, reports, and/or memoranda in the possession of Defendant, Defendant's attorney, or anyone acting on Defendant's behalf which have resulted from or have been prepared as a result of the subject collision. If you maintain that some or all responsive documents may be privileged please provide a privilege log or an explanation for the basis of the claim of privilege.

RESPONSE:

19. Copies of any and all books, documents, or other tangible things which may be used at the time of trial which may have a bearing of Plaintiff's cause of action or Defendant's defense.

RESPONSE:

20. Copies of any and all tangible things whose production has not been requested previously in this or other request which Defendant does not intend to introduce into evidence at trial but may be used as demonstrative evidence at trial.

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

21. Please produce any and all training logs, reports, sessions, schedules done for Thomas Ceurvorst.

RESPONSE:

22. Please produce of true and correct copy of all driving logs completed or that should have been completed by Ashraf Kalu regarding this incident.

RESPONSE:

23. Please produce any and all photocopies of before and after pictures of your vehicle which was involved in the collision.

RESPONSE:

24. Please produce all documents that relate to, pertain to, lead up to, or otherwise concern lawsuits or claims filed by you or against you whether such lawsuit were litigated or settled. There shall be no limitation placed as to date of such lawsuits or claims.

RESPONSE:

25. Please produce true and correct copy of the title to your vehicle that was involved in the collision

RESPONSE:

26. Produce your cellular phone records which cover the month that the collision the subject of this lawsuit occurred and execute the attached "Authorization for Wireless Communication Device Records."

RESPONSE:

27. Please produce any and all records obtained or received by Defendant, Defendant's counsel, Defendant's insurer, or anyone acting on Defendant's, defense counsel's or Defendant's insurer's behalf pursuant to subpoena or by deposition on written questions. Such records should include, but not be limited to, medical records, employment records, workers' compensation records, and/or social security records. Please remember that you have a duty to supplement as such records are obtained pursuant to the Texas Rules of Civil Procedure.

RESPONSE:

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

**C-1488-17-C**

28. Please produce the police and/or incident report prepared as a result of the subject collision.

**RESPONSE:**

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

C-1488-17-C

## VERIFICATION

THE STATE OF TEXAS                                 §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a notary public, on this day personally appeared Ashraf Kahn who being by me duly sworn on his/her oath, deposed and said that he/she is duly qualified and authorized in all respects to make this Affidavit; that he/she has read the above and foregoing answers to interrogatories; and every statement contained in the answers is within his/her knowledge, and is true and correct.

Ashraf Kahn

SUBSCRIBED AND SWORN TO BEFORE ME by the said Ashraf Kahn on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, to certify which witness my hand and official seal.

Notary Public, State of Texas

Printed/typed name of Notary

My Commission Expires: \_\_\_\_\_

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

C-1488-17-C

## VERIFICATION

THE STATE OF TEXAS                   §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a notary public, on this day personally appeared \_\_\_\_\_, representative for Net Freight Systems, Inc., who being by me duly sworn on his/her oath, deposed and said that he/she is duly qualified and authorized in all respects to make this Affidavit; that he/she has read the above and foregoing answers to interrogatories; and every statement contained in the answers is within his/her knowledge, and is true and correct.

Net Freight Systems, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME by the said \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, to certify which witness my hand and official seal.

Notary Public, State of Texas

Printed/typed name of Notary

My Commission Expires: \_\_\_\_\_



Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

C-1488-17-C

AUTHORIZATION FOR WIRELESS COMMUNICATION DEVICE RECORDS

TO: \_\_\_\_\_ (Service Provider)

\_\_\_\_\_ (Address of Service Provider)

RE: Ashraf Kahn

ACCOUNT NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ (if different from account number)

TIME PERIOD OF RECORDS REQUESTED: February 06, 2017

This is to authorize and direct the above named company who has issued, sold, rented, or leased any form of cellular, pager or other wireless communication device(s) and/or provided services to me, Ashraf Kahn, to furnish the law firm of THE ALMARAZ LAW FIRM, or any of its representatives, any and all billing and usage records related to the above account during the period indicated. Such records include, but are not limited to: detailed billing information, detailed call logs and/or calls placed and received (and the time of day or night and durations of the same), or any other information pertaining to the usage of my account during the time period referenced above. I hereby waive any privilege I have to said information.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Ashraf Kahn

Records should be provided to:  
THE ALMARAZ LAW FIRM  
c/o Rosendo Almaraz, Jr.  
1300 N. 10<sup>th</sup> Street, Suite 440  
McAllen, TX 78501  
Telephone: 956-800-1046  
Facsimile: 956-800-1049

Electronically Filed  
3/31/2017 2:48:09 PM  
Hidalgo County District Clerks  
Reviewed By: Leticia Silva

C-1488-17-C

AUTHORIZATION FOR WIRELESS COMMUNICATION DEVICE RECORDS

TO: \_\_\_\_\_ (Service Provider)

\_\_\_\_\_ (Address of Service Provider)

RE: \_\_\_\_\_

Representative of Net Freight Systems, Inc.

ACCOUNT NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ (if different from account number)

TIME PERIOD OF RECORDS REQUESTED: April 15, 2017

This is to authorize and direct the above named company who has issued, sold, rented, or leased any form of cellular, pager or other wireless communication device(s) and/or provided services to me, \_\_\_\_\_, to furnish the law firm of **THE ALMARAZ LAW FIRM**, or any of its representatives, any and all billing and usage records related to the above account during the period indicated. Such records include, but are not limited to: detailed billing information, detailed call logs and/or calls placed and received (and the time of day or night and durations of the same), or any other information pertaining to the usage of my account during the time period referenced above. I hereby waive any privilege I have to said information.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Net Freight Systems, Inc.

Records should be provided to:

**THE ALMARAZ LAW FIRM**

c/o Rosendo Almaraz, Jr.

1300 N. 10<sup>th</sup> Street, Suite 440

McAllen, TX 78501

Telephone: 956-800-1046

Facsimile: 956-800-1049